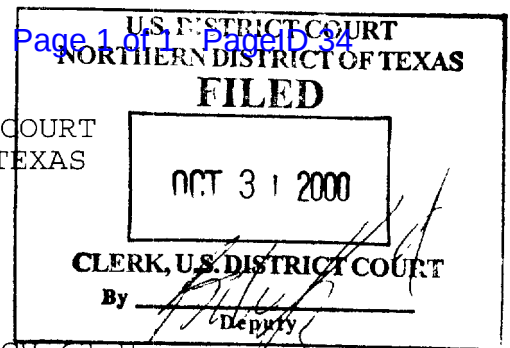


ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

TOM WINDER

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VS.

4:99-CV-63-E

C.E. MALONE

O R D E R

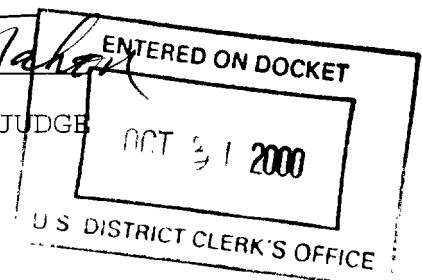
Now before the Court is an "Agreed Order of Nonsuit" submitted by Plaintiff Tom Winder in the above referenced matter. The Court will construe the "Agreed Order of Nonsuit" as a voluntary "Motion for Dismissal" pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. Having been informed that the parties have reached a compromise settlement agreement, and after reviewing the record in this matter, the Court finds Plaintiff's motion well-taken and that it should be granted.

Accordingly, it is ORDERED that Plaintiff's claims against Defendants C.E. Malone, David Johnson, and the City of Dublin, Texas ("Dublin"), save and except for Plaintiff's state cause of action for breach of contract against Dublin arising out of Plaintiff's termination as the Dublin city manager, are DISMISSED WITH PREJUDICE.

It is further ORDERED that Plaintiff's state cause of action for breach of contract against Dublin is DISMISSED WITHOUT PREJUDICE to the extent it is asserted in the above-referenced and numbered cause.

Signed this 30th day of October, 2000.

Eldon B. Mahon
ELDON B. MAHON
UNITED STATES DISTRICT JUDGE



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